

Remarks:**Specification**

In the Office Action of September 5, 2006, the Examiner objected to the Amendment filed October 15, 2004, under 35 U.S.C. § 132(a) on the basis that the Amendment introduced new matter into the specification. Applicant has amended paragraph [023] herein by removing the discussion of the blade being raised above the level of the extrudate so that the description now more accurately depicts the operation of the cutter.

However, Applicant respectfully submits that the change of the model number of the cutter in paragraph [019] does not introduce new matter as one would skilled in the art would readily appreciate that either model CSS 4.5-8 or CSS 6.5-13 may be employed based on the teachings of the originally filed disclosure. As evidenced by the manufacturer's website (<http://www.cdsmachines.com/>), the only difference between the two models is that the CSS 6.5-13 can cut a larger cross-section and has a more powerful motor.

Likewise, the amendments to the pulse rates of the encoder wheel in paragraph [023] do not introduce new matter. The specification calls for the encoder wheel of different embodiments of the invention to produce different pulse rates. Thus, the number of pulses per revolution that the encoder wheel can produce is a variable. Based on the teachings of the original disclosure, one skilled in the art would readily be able to ascertain the amended encoder pulse rates. Consequently, the changes to the cutter model number and encoder pulse rates made in Applicant's previous Amendment do not constitute the addition of new matter.

Status of Claims

Claims 9-24 are pending, with claims 9 and 18 being independent. Claims 9 and 18-20 have been amended.

Claim Objections

The Examiner objected to claims 19 and 20 under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 19 and 20 have been amended herein and are now in appropriate dependent form.

Claim Rejections under 35 U.S.C. § 112

The Examiner rejected claims 9-24 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 9 and 18 to remove any ambiguity regarding the structure of the invention.

Claim Rejections under 35 U.S.C. § 102

The Examiner rejected claims 9-12 under 35 U.S.C. § 102(b) as being anticipated by Duis (U.S. Patent No. 1,960,773). Applicant respectfully submits that Duis does not disclose or suggest all the claimed features of independent claim 9, such as a servo-controlled cutter.

Duis discloses a system for producing clay bars that can become individual bricks or tiles. Duis's system comprises a hopper, an extruder, a speed detector, and a moving table. The hopper

feeds a clay mixture to the extruder which outputs a continuous column of a clay bar. The clay bar column travels along the surface of a moving belt. The bar passes by a cutting apparatus connected to a table that moves in the same direction and at the same speed as the clay bar, as controlled by the speed controller. The cutting apparatus includes a plurality of cutter wires mounted on a rectangular frame. The cutter wires cut the clay bar into a plurality of bricks or tiles simultaneously (page 1, line 103 - page 2, line 10). The cutting action of the cutter wires can be accomplished either manually or by gearing interconnected with the feed mechanism of the table (page 2, lines 21-29). Alternatively, the clay bar could be cut by a plurality of wires connected from a central hub to a ring that rotates about the central hub. The clay bar passes through the ring such that the wires can cut the bar as they rotate around the hub. The speed of the rotation of the ring is controlled by the speed detector coupled with a drive motor (page 2, lines 142-148).

Duis's cutter relies on either gearing, manual means, or a drive motor to provide the cutting function discussed above (page 2, lines 119-122 and page 2, lines 142-148). Thus, Duis's drive motor is not a servo motor. In contrast, claim 9 of the present application recites the feature of "a servo-controlled cutter." As such, Applicant respectfully submits that claims 9-12 of the present invention are not anticipated or rendered obvious by Duis, as Duis fails to disclose or suggest a servo-controlled cutter.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 18-20 and 22-24 under 35 U.S.C. 103(a) as being unpatentable over Dahl (U.S. Patent No. 6,153,293) in view of Goforth (U.S. Patent No. 5,088,910) and Duis

(U.S. Patent No. 1,960,773). Applicant respectfully submits the combination of these references does not disclose or suggest all the features of independent claim 18, such as a servo-driven cutter.

Dahl discloses a cutter using a traveling table or flying cutoff knife or saw (Dahl, column 6, lines 21-24). Goforth discloses a cutter using a custom flying cutoff assembly (Goforth, column 10, lines 22-24). As discussed above, Duis's embodiments of a cutter rely on either gearing, manual means, or a drive motor to provide control of the cutting (Duis, page 2, lines 21-29 and page 2, lines 142-148). The cutters disclosed by Dahl, Goforth, and Duis cannot be considered servo-driven cutters.

In contrast to the cutters disclosed by the Examiner's cited references, claim 18 of the present application recites the feature of "a servo-driven cutter." As such, Applicant respectfully submits that claims 18-20 and 22-24 are patentable over Dahl in view of Goforth and Duis because neither Dahl, Goforth, Duis, nor any combination of the three, suggest or disclose a servo-driven cutter.

In conclusion, the presently claimed invention provides a significant advantage over prior art processes and apparatuses. Natural or recycled feedstock like sawdust can greatly affect extrusion speed, and one simply cannot predict how that speed will be affected. The present invention is particularly advantageous because, unlike the prior art, it can readily accommodate these unpredictable speed variations without adverse consequences to the cutting process.

The remaining claims depend, directly or indirectly, from the discussed independent claims and therefore, should also be in a condition for allowance.

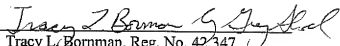
Conclusion

In view of this response and the remarks herein, Applicant respectfully submits that claims 9-24 are in allowable condition and requests a corresponding Notice of Allowance. In the event of further questions, the Examiner is urged to call the undersigned. Any additional fee which might be due in connection with this application should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

HOVEY WILLIAMS LLP

BY:


Tracy L. Bornman, Reg. No. 42,347
2405 Grand Blvd., Suite 400
Kansas City, Missouri 64108
(816) 474-9050

ATTORNEYS FOR APPLICANT(S)

(Docket No. 34431)